



Humboldt County Planning Commission

July 16, 2024

RE: Geck-Moeller CDP (PLN 2022-17700) and Eel River Local Area Plan

Dear Commissioners,

We want to express in strongest terms our support for the Geck-Moeller development, as planned, on Hawks Hill Road in Loleta.

We commend Planning staff and the applicant for all the exceptional efforts that have gone into ensuring this project is compliant with the Coastal Plan, meets all County zoning and is sensitive to its environs.

We also thank the County for its ongoing legal efforts to clarify and ensure local jurisdiction over issues of environmental health.

At the same time we draw your attention to an inconsistency in Humboldt County Planning Department's implementation of the Eel River Local Area Plan (ERLAP) of the Humboldt County Local Coastal Plan as regards the parcel development permit under consideration here.

Certain Coastal Development Permit (CDP) conditions — imposed elsewhere in the ERLAP on at least one similar size parcel — do not yet appear to have been required for this project.

Consistency in implementation is essential for public trust.

One of the conditions not imposed on the Geck-Moeller CDP is a Notice of Restriction for Agricultural Residence which attaches to the property deed in perpetuity. The very valid objective of the notice is to keep prime agricultural land maintained as such for long into the future.

This Notice of Restriction is an instrument that imposes restrictions very similar to a land conservation contract (Williamson Act) albeit in perpetuity without the option of exit.

We own a nearby two (2) acre parcel — with identical AE zoning and within the Eel River Local Area Plan — several hundred yards from the subject parcel.

A recorded Notice of Restriction for Agricultural Residence was imposed as a condition for a CDP (PLN-2020-16315) on our smaller parcel, in the immediate vicinity of the Geck-Moeller project, and is now attached to title/deed. Planning staff provided the document for our notarized signatures and recording.

Setting such a condition should cause no further delay for the Geck-Moeller project — and maintains consistency in implementing the ERLAP while ensuring its objective.

In addition, a condition of our CDP was the requirement to submit a report annually for five years on our agricultural development and operation of the two-acre parcel. The purpose of submitting reports is to ensure the residence is — in fact — in support of an agricultural operation. We think this requirement serves a valid objective and should be implemented consistently.

This condition to submit reports has not yet been proposed as requirement for the larger Geck-Moeller parcel. Again, setting such a condition would cause no delay to the project.

At issue is the lack of conditions #3 and #7, excerpted below, that were imposed for our CDP (PLN-2020-16315) in 2020:

**"ATTACHMENT 1 RECOMMENDED CONDITIONS OF APPROVAL**

**Approval of the Coastal Development Permit is conditioned upon the following terms and requirements which must be fulfilled before a building permit may be issued or use initiated.**

3. The applicant shall submit an Annual Report detailing the progress of the commercial orchard operation for 5 years of the effective date of the CDP and shall be extended for one year until a commercial operation has been demonstrated.
  
7. A Notice of Restriction shall be recorded on forms provided by the Planning Division which require that the residence be occupied by the property owner/farm operator for the purpose of maintaining the use as subordinate and supportive of the agriculture uses on the parcel. The Agreement shall be submitted for review to the Planning Division, along with applicable recording and processing fees. "

Consistency in the conditions imposed for CDP approvals would help ensure the purpose of the ERLAP is met. Specifically, that Humboldt's prime coastal agricultural land is conserved — and used appropriately — in perpetuity for the benefit of present and future generations.

Thank you very much for your consideration. We greatly appreciate the commissioners' roles in conserving Humboldt County's irreplaceable agricultural resources.

Respectfully,

Mark Dowdle  
P.O. Box 666  
Weaverville, CA  
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